

**U.S. District Court**  
**DISTRICT OF ARIZONA (Tucson Division)**  
**CIVIL DOCKET FOR CASE #: 4:17-cv-00421-RCC**

Gonzalez-Gallegos v. Department of Justice et al  
Assigned to: Chief Judge Raner C Collins  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/24/2017  
Jury Demand: None  
Nature of Suit: 540 Prisoner: Mandamus & Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Eduardo Gonzalez-Gallegos**

represented by **Eduardo Gonzalez-Gallegos**  
# 31868-198  
TUCSON-AZ-TUCSON-USP  
U.S. PENITENTIARY  
P.O. BOX 24550  
TUCSON, AZ 85734  
PRO SE

V.

**Defendant****Department of Justice**

represented by **Katherine V Foss**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Federal Bureau of Investigation**

represented by **Katherine V Foss**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Executive Office for United States  
Attorneys**

represented by **Katherine V Foss**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text                                                                                                                                                                                                                                        |
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| 08/24/2017 | <u>1</u> | COMPLAINT filed by Eduardo Gonzalez-Gallegos. (15 pages) (Attachments: # <u>1</u> Envelope)(DLC) (Entered: 08/28/2017)                                                                                                                             |
| 08/24/2017 | <u>2</u> | APPLICATION for Leave to Proceed In Forma Pauperis by Eduardo Gonzalez-Gallegos. (2 pages) (DLC) (Entered: 08/28/2017)                                                                                                                             |
| 08/24/2017 | <u>3</u> | Prisoner Trust Fund Account Statement by Eduardo Gonzalez-Gallegos. (8 pages) (DLC) (Entered: 08/28/2017)                                                                                                                                          |
| 08/24/2017 | <u>4</u> | NOTICE OF ASSIGNMENT: (DLC) (Entered: 08/28/2017)                                                                                                                                                                                                  |
| 09/05/2017 | <u>5</u> | (VACATED BY DOC <u>1</u> ) – SCHEDULING ORDER (FOIA): It is Ordered that Defendant shall serve an answer or otherwise plead within 30 days after service, unless the Court otherwise directs for good cause shown (see attached Order for complete |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|            |           | details). Signed by Chief Judge Raner C Collins on 9/5/2017. (MFR) Modified on 1/19/2018 (BAR). (Entered: 09/05/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 09/21/2017 | <u>6</u>  | MOTION for an order for United States Marshal's service to effectuate service of process by Eduardo Gonzalez-Gallegos. (2 pages) (BAR) (Entered: 09/21/2017)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 01/19/2018 | <u>7</u>  | ORDERED: The September 5, 2017 Scheduling Order is VACATED. Plaintiff's <u>6</u> Motion for an Order for United States Marshal's Service to Effectuate Service of Process is denied as moot. Plaintiff's <u>2</u> Motion for Leave to Proceed In Forma Pauperis is granted. The Clerk of Court must send Plaintiff a service packet including the Complaint, this Order, and summons forms for Defendants the Department of Justice, the Federal Bureau of Investigation, and the Executive Office for United States Attorneys. Plaintiff must complete and return the service packet to the Clerk of Court within 21 days of the date of filing of this Order. Signed by Chief Judge Raner C Collins on 1/18/2018. (BAR) (Entered: 01/19/2018) |
| 01/19/2018 | <u>8</u>  | ORDER Directing Monthly Payments be made from Prison Account of Eduardo Gonzalez-Gallegos. Signed by Chief Judge Raner C Collins on 1/18/2018. (BAR) (Entered: 01/19/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03/01/2018 | <u>9</u>  | SERVICE EXECUTED : USMS Process Receipt and Return re: Complaint, Order, Summons upon USAO, Tucson, AZ on 2/23/2018. (BAR) (Entered: 03/01/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 03/08/2018 | <u>10</u> | MOTION for Extension of Time to File Answer by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> Text of Proposed Order)(Foss, Katherine) (Entered: 03/08/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/30/2018 | <u>11</u> | SERVICE EXECUTED : USMS Process Receipt and Return re: Complaint, Order, Summons upon Executive Office for United States Attorneys on 3/26/2018. (SIB) (Entered: 04/02/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 03/30/2018 | <u>12</u> | SERVICE EXECUTED : USMS Process Receipt and Return re: Complaint, Order, Summons upon Department of Justice on 3/26/2018. (SIB) (Entered: 04/02/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 03/30/2018 | <u>13</u> | SERVICE EXECUTED : USMS Process Receipt and Return re: Complaint, Order, Summons upon Federal Bureau of Investigation on 3/26/2018. (SIB) (Entered: 04/02/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 04/05/2018 | <u>14</u> | ORDER GRANTING Defendants' <u>10</u> Motion for Extension of Time to Respond to Plaintiff's Complaint. Defendants shall have up to and including 4/25/18 to file their answers. Signed by Chief Judge Raner C Collins on 4/4/18. (BAC) (Entered: 04/05/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/25/2018 | <u>15</u> | ANSWER to <u>1</u> Complaint by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation.(Foss, Katherine) (Entered: 04/25/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 05/11/2018 | <u>16</u> | ORDER: the following summary judgment briefing schedule is entered in this case: Defendants' opening brief, supporting affidavits, and Vaughn index(es) shall be filed no later than <u>7/27/2018</u> ; Plaintiff's response is due on or before <u>8/31/2018</u> ; Defendants' reply shall be filed on or before <u>9/17/2018</u> ; All warnings previously issued shall remain in full force and effect. Signed by Chief Judge Raner C Collins on 5/10/2018. (MCO) (Entered: 05/11/2018)                                                                                                                                                                                                                                                      |
| 05/21/2018 | <u>17</u> | MOTION to Stay <i>Proceedings Pending Resolution of Exhaustion Issue</i> by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> Text of Proposed Order)(Foss, Katherine) (Entered: 05/21/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/23/2018 | <u>18</u> | ORDER denying <u>17</u> Motion to Stay Proceedings Pending Resolution of Exhaustion Issue. All deadlines set in and by the Court's previous order remain in full effect. Signed by Chief Judge Raner C Collins on 5/23/2018. (BAR) (Entered: 05/23/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 07/27/2018 | <u>19</u> | MOTION for Summary Judgment by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Foss, Katherine) (Entered: 07/27/2018)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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| 07/27/2018 | <u>20</u> | STATEMENT OF FACTS re: <u>19</u> MOTION for Summary Judgment by Defendants Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibits A–V to Exhibit 1, # <u>3</u> Exhibit 2)(Foss, Katherine) (Entered: 07/27/2018)                                                                                                                                               |
| 08/06/2018 | <u>21</u> | ORDERED that Plaintiff must file a response to Defendants' <u>19</u> MOTION for Summary Judgment no later than 9/5/2018. Further ordered that Defendants may file a reply within 15 days after service of Plaintiff's response. Signed by Chief Judge Raner C Collins on 8/6/2018. (SEE ORDER FOR COMPLETE DETAILS.)(BAR) (Entered: 08/06/2018)                                                                                                                       |
| 08/31/2018 | <u>22</u> | (STRICKEN BY DOC <u>30</u> )– MOTION for Limited Discovery by Eduardo Gonzalez–Gallegos. (Attachments: # <u>1</u> Exhibit A–I) (68 pages) (KAH) Modified on 9/21/2018 (BAR). (Entered: 09/04/2018)                                                                                                                                                                                                                                                                    |
| 09/10/2018 | <u>23</u> | MOTION for Extension of Time to File Response to <u>19</u> MOTION for Summary Judgment by Eduardo Gonzalez–Gallegos. (3 pages) (BAR) (Entered: 09/11/2018)                                                                                                                                                                                                                                                                                                            |
| 09/10/2018 | <u>24</u> | DECLARATION of Eduardo Gonzalez–Gallegos re: <u>23</u> MOTION for Extension of Time to File Response to <u>19</u> MOTION for Summary Judgment by Plaintiff Eduardo Gonzalez–Gallegos. (2 pages) (BAR) (Entered: 09/11/2018)                                                                                                                                                                                                                                           |
| 09/17/2018 | <u>25</u> | NOTICE of Error re Declaration by Eduardo Gonzalez–Gallegos. (2 pages) (BAR) (Entered: 09/18/2018)                                                                                                                                                                                                                                                                                                                                                                    |
| 09/17/2018 | <u>26</u> | MOTION to Strike Defendant Gonzalez' Motion to Stay filed on August 28, 2018 and Substitute his Corrected Motion to Stay Summary Judgment proceedings pending Discovery Nunc Pro Tunc by Eduardo Gonzalez–Gallegos. (2 pages) (BAR) Modified on 9/21/2018 (BAR). (Entered: 09/18/2018)                                                                                                                                                                                |
| 09/17/2018 | <u>27</u> | MOTION to Stay Summary Judgment Proceedings Pending Discovery Nunc Pro Tunc by Eduardo Gonzalez–Gallegos. (7 pages) (BAR) (Entered: 09/18/2018)                                                                                                                                                                                                                                                                                                                       |
| 09/17/2018 | <u>28</u> | DECLARATION of Daniel Castleman by Plaintiff Eduardo Gonzalez–Gallegos. (2 pages) (BAR) (Entered: 09/18/2018)                                                                                                                                                                                                                                                                                                                                                         |
| 09/18/2018 | <u>29</u> | MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION to Stay, <u>22</u> MOTION for Discovery by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> Text of Proposed Order)(Foss, Katherine) (Entered: 09/18/2018)                                                                                                                                                   |
| 09/21/2018 | <u>30</u> | ORDERED: Defendant's <u>29</u> Motion for Extension of Time to File Response is granted. Defendants shall have up to and including 10/2/2018 to file their response to Plaintiff's <u>27</u> MOTION to Stay to Summary Judgment Proceedings Pending Discovery Nunc Pro Tunc. Plaintiff's <u>26</u> Motion to Strike is granted and the Clerk shall strike <u>22</u> MOTION from the record. Signed by Judge Raner C Collins on 9/19/2018. (BAR) (Entered: 09/21/2018) |
| 10/02/2018 | <u>31</u> | RESPONSE in Opposition re: <u>27</u> MOTION to Stay <i>pending Discovery</i> filed by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> ***STRICKEN PER DOC <u>36</u> ** Exhibit A)(Foss, Katherine) Modified on 1/29/2019 (BAR). (Entered: 10/02/2018)                                                                                                                                  |
| 10/18/2018 | <u>32</u> | MOTION for Extension of Time to File Reply to <u>27</u> MOTION to Stay Pending Discovery by Eduardo Gonzalez–Gallegos. (5 pages) (BAR) (Entered: 10/19/2018)                                                                                                                                                                                                                                                                                                          |
| 10/19/2018 | <u>33</u> | MOTION to Strike Footnote One and Any References to Exhibit A, Parker Declaration re <u>31</u> Response in Opposition to Motion by Eduardo Gonzalez–Gallegos. (Attachments: # <u>1</u> Exhibit A) (10 pages)(BAR) (Entered: 10/23/2018)                                                                                                                                                                                                                               |
| 11/05/2018 | <u>34</u> | REPLY to Response to Motion re: <u>27</u> MOTION to Stay filed by Eduardo Gonzalez–Gallegos. (12 pages) (BAR) (Entered: 11/05/2018)                                                                                                                                                                                                                                                                                                                                   |
| 12/26/2018 | <u>35</u> | MOTION to Stay <i>Case Due to Federal Government Shutdown</i> by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> Text of Proposed Order)(Foss, Katherine) (Entered: 12/26/2018)                                                                                                                                                                                                        |
| 01/29/2019 | <u>36</u> | ORDERED: Plaintiff's <u>23</u> Motion for Extension of Time to File Response to the Motion for Summary Judgment is denied as moot. Plaintiff's <u>33</u> Motion to Strike is                                                                                                                                                                                                                                                                                          |

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|            |           | granted. The Clerk of the Court shall strike Exhibit A to Defendants' Response in Opposition to the Motion to Stay Pending Discovery. Plaintiff's <u>27</u> Motion to Stay Summary Judgment Proceedings Pending Discovery is denied. Plaintiff must file his response to Defendants' Motion for Summary Judgment within 30 days of his receipt of this order. Plaintiff's <u>32</u> Motion for Extension of Time to File Reply is denied as moot. Defendants' <u>35</u> Motion to Stay Case Due to Federal Government Shutdown is denied as moot. Signed by Judge Raner C Collins on 1/28/2019. (BAR) (Entered: 01/29/2019) |
| 03/04/2019 | <u>37</u> | MOTION for Leave to File Excess Pages for Points and Authorities in Opposition to Summary Judgment by Eduardo Gonzalez-Gallegos. (3 pages) (BAR) (Entered: 03/05/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03/05/2019 | <u>38</u> | *Filed at doc. <u>40</u> , <u>41</u> . LODGED Proposed Points & Authorities in Opposition of Summary Judgment, Statement of Facts & Exhibit re: <u>37</u> MOTION for Leave to File Excess Pages for Points and Authorities in Opposition to Summary Judgment. Document to be filed by Clerk if Motion or Stipulation for Leave to File or Amend is granted. Filed by Eduardo Gonzalez-Gallegos. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Exhibit)(BAR) Modified on 3/26/2019 (BAC). (Entered: 03/05/2019)                                                                                                    |
| 03/26/2019 | <u>39</u> | ORDER GRANTING Plaintiff's <u>37</u> Motion for Leave to File Excess Pages. The Clerk of Court shall file the <u>38</u> lodged Response with attachments in the docket. Signed by Senior Judge Raner C Collins on 3/25/19. (BAC) (Entered: 03/26/2019)                                                                                                                                                                                                                                                                                                                                                                      |
| 03/26/2019 | <u>40</u> | Plaintiff's RESPONSE to Motion re: <u>19</u> MOTION for Summary Judgment filed by Eduardo Gonzalez-Gallegos. (61 pages). (BAC) (Entered: 03/26/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 03/26/2019 | <u>41</u> | STATEMENT OF FACTS re: <u>40</u> Response to Motion for Summary Judgment by Plaintiff Eduardo Gonzalez-Gallegos. (Attachments: # <u>1</u> Exhibits)(BAC) (Entered: 03/26/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 04/08/2019 | <u>42</u> | MOTION for Extension of Time to File Response/Reply by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Attachments: # <u>1</u> Text of Proposed Order)(Foss, Katherine) (Entered: 04/08/2019)                                                                                                                                                                                                                                                                                                                                                                        |
| 04/10/2019 | <u>43</u> | ORDER granting <u>42</u> Motion for Extension of Time to File Reply to Plaintiff's Response in Opposition to Defendant's <u>19</u> MOTION for Summary Judgment. Defendants shall have until on or before April 22, 2019 to reply to Plaintiffs Response. Signed by Senior Judge Raner C Collins on 4/10/2019. (BAR) (Entered: 04/10/2019)                                                                                                                                                                                                                                                                                   |
| 04/11/2019 | <u>44</u> | MOTION to Correct Error <u>41</u> Statement of Facts by Eduardo Gonzalez-Gallegos. (4 pages) (ARC) (Entered: 04/12/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/22/2019 | <u>45</u> | REPLY to Response to Motion re: <u>19</u> MOTION for Summary Judgment filed by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Foss, Katherine) (Entered: 04/22/2019)                                                                                                                                                                                                                                                                                                                                                                                                |
| 04/23/2019 | <u>46</u> | Additional Attachments to Main Document re: <u>45</u> Reply to Response to Motion by Defendants Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Foss, Katherine) (Entered: 04/23/2019)                                                                                                                                                                                                                                                                                                                                                                               |
| 05/16/2019 | <u>47</u> | MOTION to Strike Exhibit A and Portions of Defendant's Reply Brief by Eduardo Gonzalez-Gallegos. (22 pages). (Attachments: # <u>1</u> Exhibit B)(BAC) (Entered: 05/17/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 05/17/2019 | <u>48</u> | (EXHIBIT A STRICKEN PER DOC <u>53</u> )–NOTICE of Errata re: <u>45</u> Reply to Response to Motion, <u>46</u> Additional Attachments to Main Document by Defendants Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation.. (Attachments: # <u>1</u> Exhibit A)(Foss, Katherine) Modified on 6/25/2019 (BAR). (Entered: 05/17/2019)                                                                                                                                                                                                                                          |
| 05/30/2019 | <u>49</u> | RESPONSE in Opposition re: <u>47</u> MOTION to Strike filed by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Foss, Katherine) (Entered: 05/30/2019)                                                                                                                                                                                                                                                                                                                                                                                                                |
| 06/10/2019 | <u>50</u> | MOTION for Extension of Time to File Reply as to <u>47</u> MOTION to Strike by Eduardo Gonzalez-Gallegos. (3 pages) (BAR) (Entered: 06/11/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| 06/14/2019 | <u>51</u> | ORDER granting <u>44</u> Motion to Correct Error in Statement of Facts and <u>50</u> Motion for Extension of Time. Plaintiff may file a reply to the <u>47</u> MOTION to Strike on or before June 20, 2019. Signed by Senior Judge Raner C Collins on 6/14/2019. (BAR) (Entered: 06/14/2019)                                                                                                                                                                                                                                                                                                                                        |
| 06/19/2019 | <u>52</u> | REPLY to Response to Motion re: <u>47</u> MOTION to Strike filed by Eduardo Gonzalez-Gallegos. (9 pages) (BAR) (Entered: 06/20/2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 06/25/2019 | <u>53</u> | ORDERED: Defendants' <u>19</u> Motion for Summary Judgment is granted in part and denied in part. The motion is granted as to Count One and is denied as to Counts Two, Three, Four as noted herein. A second motion for summary judgment on the remaining issued must be filed within 45 days of the date of this Order. Plaintiff's <u>47</u> Motion to Strike is granted to the extent it seeks to strike the Supplemental Parker Declaration attached as Exhibit A to Defendants Notice of Errata. The Motion is denied in all other respects. Signed by Senior Judge Raner C Collins on 6/24/2019. (BAR) (Entered: 06/25/2019) |
| 06/25/2019 | <u>54</u> | MOTION for Reconsideration re: <u>53</u> Order on Motion to Strike, Order on Motion for Summary Judgment by Department of Justice, Executive Office for United States Attorneys, Federal Bureau of Investigation. (Foss, Katherine) (Entered: 06/25/2019)                                                                                                                                                                                                                                                                                                                                                                           |
| 06/28/2019 | <u>55</u> | ORDERED: Plaintiff may file a response to Defendants' <u>54</u> MOTION for Reconsideration within 20 days of the date of this Order. If a response is filed, Defendants may file a reply within 10 days of the filing of the response. Any response and reply to the Motion for Reconsideration may only address the issue of exhaustion as to Count Four. The deadline to file a second summary judgment motion is extended until 45 days after the Court rules on Defendants Motion for Reconsideration. Signed by Senior Judge Raner C Collins on 6/26/2019. (BAR) (Entered: 06/28/2019)                                         |